

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

FRANK GARCIA,

Plaintiff,

v.

OSWALD BILOTTA,

Defendant.

Case No.: 1:23-CV-4146

**DEFENDANT OSWALD BILOTTA'S  
NOTICE OF MOTION TO DISMISS THE COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss the Complaint, dated August 1, 2023, along with the accompanying Declaration of James E. Cecchi, Exhibits A through E, and all pleadings and proceedings had herein, Defendant Oswald Bilotta, by and through his attorneys, Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C., will move this Court at such time and place as the Court designates, before the Honorable Vernon S. Broderick, at the Thurgood Marshall United States Courthouse located at 40 Foley Square, New York, New York 10007 for an Order dismissing this action with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6), and for any further relief that the Court deems just and proper.

Dated: August 1, 2023

Roseland, New Jersey

Respectfully submitted,

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By: /s/ James E. Cecchi

JAMES E. CECCHI

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